

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION AND HTC AMERICA, INC.,

Petitioner,

v.

U.S. PHILIPS CORPORATION,

Patent Owner.

Case No. IPR2017-00856

Patent No. 5,910,797

**PETITIONER'S REQUEST FOR REFUND OF
POST-INSTITUTION FEE**

The petition for *inter partes* review of U.S. Patent No. 5,910,797 (Case No. IPR2017-00856) was denied institution by a decision issued by the PTAB on August 18, 2017 (Paper No. 7). Petitioner's Request for Rehearing was also denied in a decision issued by the PTAB on October 19, 2017 (Paper 9). If a petition is denied, any post-institution fees paid by Petitioner may be refunded.

In light of the above circumstances, Petitioner hereby requests a refund in the total amount of \$14,000 for the *inter partes* post-institution fee previously paid by Petitioner in connection with this proceeding.

The determination of the above refund is based on the following. On February 10, 2017, Petitioner filed a petition for *inter partes* review of claims 1, 4, 6-9, and 11 of U.S. Patent No. 5,910,797 (IPR2017-00856, Paper 2), accompanied by a total payment of \$23,000 in accordance with the fee schedule specified in 37 C.F.R. § 42.15(a):

<i>Inter partes</i> review request fee:	\$9,000.00
<i>Inter partes</i> review request of each claim in excess of 20:	\$0.00
<i>Inter partes</i> review post-institution fee:	\$14,000.00
<i>Inter partes</i> post-institution request of each claim in excess of 15:	\$0.00
<hr/>	
Total fees paid:	\$23,000.00

Under the Board's current practice, Petitioner is entitled to a refund of the above listed *inter partes* **post-institution fee** in the total amount of \$14,000.

Accordingly, Petitioner respectfully requests that the Board grant this request for refund of the *inter partes* post-institution fee, and credit a refund in the amount of \$14,000 to Petitioner's EFT account or Deposit Account No. 50-0665.

Dated: December 18, 2017

Respectfully submitted,

/Kevin Patariu/

Lead Counsel

Bing Ai, Reg. No. 43,312

Back-Up Counsel

Kevin Patariu, Reg. No. 63,210

John Schnurer, Reg. No. 52,196

Attorneys for Petitioners

PERKINS COIE LLP
11988 El Camino Real, Suite 350
San Diego, CA 92130
(858) 720-5700

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing
PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES has
been served in its entirety this 18th day of December, 2017 by electronic mail on
the Patent Owner via its attorneys of record:

FITZPATRICK, CELLA, HARPER & SCINTO
Justin J. Oliver (Reg. No. 44,986)
Daniel S. Glueck (Reg. No. 37,838)
PhilipsIPR@fchs.com

Dated: December 18, 2017

Respectfully submitted,

/Kevin Patariu/

Lead Counsel

Bing Ai, Reg. No. 43,312

Back-Up Counsel

Kevin Patariu, Reg. No. 63,210

John Schnurer, Reg. No. 52,196

Attorneys for Petitioners

PERKINS COIE LLP
11988 El Camino Real, Suite 350
San Diego, CA 92130
(858) 720-5700